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Approved for use through 10/31/2002. OMB 0651-0035

PTO/SB/82 (10/00)

## **REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT**

a valid OMB control number.

Application Number	09/121,798
Filing Date	07/23/98
First Named Inventor	Robert Bridenbaugh
Group Art Unit	1636
Examiner Name	William O. Sandals
Attorney Docket Number	213-0012US

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SIGNATURE of Applicant or Assignee of Record								
Name	Benjami	in F. McGraw, III, President and C	EO, Valenti	is, Inc.				
Signature		30m/2						
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Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/96 (2-98)

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# State of Delaware Office of the Secretary of State PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"VALENTIS, INC.", A DELAWARE CORPORATION,

WITH AND INTO "MEGABIOS CORP." UNDER THE NAME OF "VALENTIS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF APRIL, A.D. 1999, AT 9 O'CLOCK A.M.

Edward J. Freel, Secretary of State

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AUTHENTICATION: 0034887

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DATE: 10-20-99

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### CERTIFICATE OF OWNERSHIP AND MERGER

#### MERGING

VALENTIS, INC. a Delaware corporation

#### INTO

MEGABIOS CORP. a Delaware corporation

Pursuant to Section 253 of the General Corporation Law of the State of Delware

Megabios Corp., a corporation organized and existing under the General Corporation Law of the State of Delaware,

#### DOES HEREBY CERTIFY:

FIRST: That this corporation owns all of the outstanding shares of Valentis, Inc., a corporation organized and existing under the General Corporation Law of the State of Delawarc.

That this corporation, by the following resolutions of its Board of SECOND: Directors, duly adopted by Unanimous Written Consent pursuant to Section 141(f) of the General Corporation Law of the State of Delaware on the 23<sup>rd</sup> day of April, 1999, determined to merge Valentis, Inc. into itself on the terms and conditions set forth in such resolutions:

> RESOLVED, that Valentis, Inc. be merged with and into the Corporation and that the Corporation be the surviving corporation in such merger;

FURTHER RESOLVED, that the merger shall become effective upon the date and time of the filing of a Certificate of Ownership and Merger with the Secretary of State of the State of Delaware,

37359 v1/PM. STRULLDOC

STATE OF DELAWARE SECRETARY OF STATE DIVISION OF CORPORATIONS *FILED 09:00 AM 04/29/1999* 991169517 - 2784403

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FURTHER RESOLVED, that upon the effectiveness of the merger, the Corporation shall assume all of the liabilities and obligations of Valentis, Inc.; and

FURTHER RESOLVED, that upon the effectiveness of the merger, the name of the Corporation shall be changed to "Valentis, Inc." and Article I of the Amended and Restated Certificate of Incorporation of the Corporation shall be amended to read as follows:

L

The name of the Corporation is Valentis, Inc."

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IN WITNESS WHEREOF, this Certificate of Ownership and Merger is hereby executed on behalf of the surviving Corporation, Megabios Corp., and attested to by its officers thereunto duly authorized,

Dated as of April 27, 1999

MEGABIOS CORP.

President and Chief Executive Officer

Patrick A. Pohlen

Secretary -